

P21107.A09



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Toshihiko MUNETSUGU et al.

Group Art Unit : 2176

Appl. No. : 09/877,035

Examiner : Quoc A. TRAN

Filed : June 11, 2001

Confirmation No. : 9810

For : DATA PROCESSING APPARATUS AND DATA PROCESING
METHOD

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In response to the Final Official Action of August 24, 2005, and concurrently with the filing of a Notice of Appeal, Applicants respectfully request a pre-appeal brief panel to review and withdraw the outstanding rejection. Further, Applicants request an indication of the allowability of all claims pending in the present application in view of the herein contained remarks.

Remarks begin on page 2 of this paper.

REMARKS

Applicants respectfully traverse the Examiner's rejection of claims 12, 13, 21 and 26 under 35 U.S.C. § 112, 1st paragraph as failing to comply with the written description requirement, the rejection of claims 12, 13, 21 and 26 under 35 U.S.C. § 112, 2nd paragraph as failing to set forth the subject matter which Applicants regard as their invention, and the rejection of claims 1-4, 11-13 and 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Davis et al. (U.S. Patent No. 5,969,716) in view of Jain et al. (U.S. Patent No. 6,360,234).

Applicants submit the following, as examples of clear legal and factual deficiencies in the outstanding rejection:

A. The term “representer”, which is recited in claims 11-13, find support in the specification.

Examiner's position: The term “representer” is not defined in the specification.

See Continuation Sheet of the Advisory Action of December 7, 2005.

Applicants' position: Applicants respectfully submit that one familiar with the English language would understand the general meaning of “representer” to be “that which represents.” On page 13, lines 21-27 of the specification, Applicants disclose a representation unit 1004 which represents media contents data 1010 according to a representation order. Further, Applicants submit that section 2173.01 of the M.P.E.P. provides that Applicants “may use functional language, alternative expressions, negative limitations, or any style of expression or format

of claim which makes clear the boundaries of the subject matter for which protection is sought.” Thus, as the term “representer” is supported in the original specification, Applicants respectfully submit that it does not constitute new matter.

B. The phrase “the alternative data comprises one of a representative image of media and audio information”, present in claims 21 and 26, is described in the specification.

Examiner’s position: The phrase “one of a representative image of media and audio information” is not defined in the specification.

Applicants’ position: The specification discloses, at least on page 31, lines 2-14 and page 42, lines 21 – page 43, line 11, that alternative data may include a representative image of media, or audio information. Applicants thus submit that the phrase “one of a representative image of media and audio information” does not constitute new matter.

C. The combination of Davis and Jain does not disclose or suggest structure description data that describes a plurality of segments that use media, expressed in time information (as recited in Applicants’ independent claims 1 and 11).

Examiner’s position: Davis discloses a media parser that processes a media signal to obtain content representation data. See page 4, paragraph 7 of the Office Action, and col. 2, lines 51-67 of Davis.

Applicants' position: The Examiner does not cite any portion of Davis which discloses that the content representation data expresses, in time information, a plurality of segments that use media described in the structure description data. In fact, Applicants respectfully submit that Davis' content representation data does not describe a plurality of segments that use media, expressed in time information. Rather, Davis merely discloses that media signals and content representations of them can be displayed alongside a ruler depicting increments of time using a graphical user interface. See col. 11, lines 38-64.

D. The combination of Davis and Jain does not disclose or suggest automatically organizing types of media and addresses per extracted time information (as recited in Applicants' independent claims 1 and 11).

Examiner's position: Davis discloses, in Figure 8 and col. 11, line 38 – col. 12, line 5, a graphical user interface which displays media signals and content representations of them in a timeline format. See page 5 of the Final Office Action.


Applicants' position: Davis contains no disclosure regarding organizing addresses per extracted time information. Further, Davis' graphical user interface requires user intervention, such as dragging an icon (see col. 12, lines 10-12), and thus does not automatically organize or arrange types of media. In addition, Davis does not disclose that media is organized per time information which is extracted from structure description data, as recited in claim 1, and as discussed with respect to argument "C".

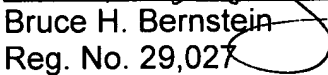
SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance, and respectfully request an indication to that effect.

Should the Examiner have any questions or comments regarding the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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